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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#03-282(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING DEARBORN COUNTY SULFUR DIOXIDE EMISSION LIMITATIONS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules to 326 IAC 7-4-13 concerning Dearborn County sulfur dioxide emission limitations. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 7-4-13.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

In response to a request from American Electric Power (AEP), IDEM proposes to remove obsolete rule language in the Dearborn County sulfur dioxide (SO₂) emission limitations in 326 IAC 7-4-13 for Indiana Michigan Power Tanners Creek Station. Specifically, AEP has requested the removal of the requirement that restricts coal delivered to the Tanners Creek Station to not exceed a SO₂ emission rate equivalent to six and six-tenths (6.6) pounds per million British Thermal Units (Btu).

The current SO₂ emission limitations in 326 IAC 7-4-13 are based on air quality modeling conducted in response to a proposed disapproval of the Dearborn County SO₂ state implementation plan (SIP) by U.S. EPA in 1987. The Tanners Creek Station emission limitations include interim requirements that are no longer necessary because the Tanners Creek Station has been limited to an emission limitation of five and twenty-four hundredths (5.24) pounds per million Btu since August 1, 1991. IDEM proposes to remove all obsolete language and emission limitations for Tanners Creek Station.

IDEM proposes to update other information in this section at this time. Three other companies are currently listed in 326 IAC 7-4-13: Schenley Distillers, Inc., Joseph E. Seagram and Sons, Inc., and Diamond Thatcher Glass. Schenley Distillers, Inc. was closed in 1998. The name of Joseph E. Seagram and Sons, Inc. has been changed to Pernod Ricard USA, Seagram Lawrenceburg, and the company has removed one boiler listed in the current rule. The furnaces formerly owned by Diamond Thatcher Glass now belong to Anchor Glass Container Corporation. IDEM proposes to amend the rule language to reflect these changes.

Updating the requirements in 326 IAC 7-4-13 will allow any future Title V permits to include the correct information about the sources.

Alternatives To Be Considered Within the Rulemaking

This rulemaking concerns corrections and updates to 326 IAC 7-4-13 concerning sulfur dioxide emission limitations in Dearborn County. There is not a federal law component to the alternatives. The options available in this rulemaking are to:

1. Make changes to update the state rules.
2. Take no action to make the changes to the state rules.

Alternative 1. Make changes to update the state rules.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Take no action to make the changes to the state rules.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

Indiana is obligated to have rules approved into the state implementation plan that will protect the National Ambient Air Quality Standards for SO₂ in Dearborn County. The existing emission limitations in 326 IAC 7-4-13 meet this requirement. The amendments to this rule will not cause an increase in SO₂ emissions in the area because no existing limits are being changed in this rulemaking.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. There would be no anticipated fiscal impact as a result of choosing Alternative 1 because the types of amendments to be made are only to update information in the rule and they would not change any requirements for the sources.

Potential Fiscal Impact of Alternative 2. There would be no fiscal impact from Alternative 2 because there would be no rule changes, and there would be no fiscal impact caused by not making rule changes.

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Christine Pedersen, Rules Section, Office of Air Quality at (317) 233-6868 or (800) 451-6021 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#03-282(APCB) Dearborn Co. SO₂ Limitations

Christine Pedersen

c/o Rules Section Administrative Assistant

Rules Section

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the Tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by December 1, 2003.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Janet G. McCabe
Assistant Commissioner
Office of Air Quality